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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,933	03/23/2001	Christian Siemers	GR 98 P 8110 P	6157

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/816,933

Applicant(s)

SIEMERS, CHRISTIAN

Examiner

Mohammad A. Siddiqi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 39-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1- 38 are presented for examination. Claims 39-76 are withdrawn from examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7, 10-11, 13-26, 29-30, 32-38, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (6,598,148) (hereinafter Moore) in view of Freitag et al. (6,237,054) (hereinafter Freitag).

4. As per claims 1 and 20, Moore discloses a program-controlled unit (see abstract), comprising: an intelligent core configured to process instructions to be executed (fig 1-8, abstract, col 4, lines 1-30);

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a plurality of units selected from the group consisting of internal peripheral units disposed inside the program-controlled unit (fig 1-8, abstract, col 4, lines 1-30), external peripheral units exterior to the program-controlled unit (fig 1-8, abstract, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-47), and one or more memory devices (fig 1-8, abstract, col 4, lines 1-45, col 6, lines 26-48, lines 1-30, col 8, lines 1-61); and a structurable hardware unit selectively forming an application-specifically configurable intelligent interface (col 14, lines 62-67 and col 15, lines 1-20), for respectively connecting said intelligent core (fig 1-8, abstract, col 13, lines 1-10) and said units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61), including at least one of an interface (external 32 bit bus, col 9, lines 35-41) connection between said intelligent core and said internal peripheral units (fig 1-8, abstract, col 4, lines 1-30), an interface connection (external 32 bit bus, col 9, lines 35-41) between said intelligent core and said external peripheral units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61), an interface connection (external 32 bit bus, col 9, lines 35-41) between said intelligent core and said memory devices (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61), and an interface connection (external 32 bit bus, col 9, lines 35-41) between said

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plurality of units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61); and

said structurable hardware unit (abstract, fig 1-8, col 4, lines 1-11) being configured so that it can be configured like a configuration of field-programmable logic arrangements (lines 50-67; col 11, lines 16-36, col 7).

Moore explicitly does not disclose hardware unit can be configured like PLAs, GLAs, PLDs, FPGAs and to evaluate and process data and/or signal received. However, Freitag discloses hardware unit can be configured like PLAs, GLAs, PLDs, FPGAs and to evaluate and process data and/or signal received (col 3, lines 44-67; col 4 lines 1-41; col 8; lines 19-50). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Freitag and Moore. The motivation would have been to implement programmable logic circuitry to implement one of many possible communication protocol.

5. As per claims 2 and 21, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the structurable hardware unit is disposed in circuit terms between said intelligent core and said plurality of units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61).

6. As per claims 3 and 22, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the structurable hardware unit is connected to a multiplicity of potential data and signal sources and data and signal destinations (fig 4, col 21-32), and wherein a plurality of multiplexers are connected to said structurable hardware unit for selecting current data and signal sources and current data and signal destinations (fig 4 and 12, col 4, lines 21-32).

7. As per claims 4 and 23, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the data and signal sources and the data and signal destinations comprise units selected from the group of units consisting of said intelligent core, said peripheral units, said memory devices and portions of said structurable hardware unit (fig 1-12, abstract, col 4, lines 21-32, col 12, lines 6-45).

8. As per claims 5 and 24, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses a structuring of said structurable hardware unit selectively results in an alteration of given data paths and in a configuration of logic elements (idle, col 5, lines 15-20).

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9. As per claims 6 and 25, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses a said structurable hardware unit includes a clock generation unit generating a clock signal and a logic block unit connected to receive the clock signal (col 8, lines 1-5, col 14, lines 37-38), said logic block unit enables devices to be connected via said structurable hardware unit to cooperate as desired (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61).

10. As per claims 7 and 26, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the clock generation unit and said logic block unit each contain configurable elements (col 8, lines 1-5, col 14, lines 37-38).

11. As per claims 10 and 29, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the logic block unit comprises at least one logic block subdivided at least partly into individually configurable sub-blocks with predetermined tasks (abstract, fig 1-12, col 9, lines 51-53, col 10, lines 1-10).

12. As per claims 11 and 30, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses one of sub-blocks is configured

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as a processing device enabled for one of arithmetic and logical processing of data input to said sub-block (col 4, lines 1-11).

13. As per claims 13 and 32, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses one of sub-blocks is configured as an address calculation device for calculating source and destination addresses (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61).

14. As per claims 14 and 33, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses one of sub-blocks is configured as an instruction injection device for injecting instructions into an instruction pipeline of said intelligent core (col 17, lines 15-47).

15. As per claims 15 and 34, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the structurable hardware unit is configurable with devices selected from the group consisting of fuses and anti-fuses (fig 6, EPROM).



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16. As per claims 16 and 35, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the structurable hardware unit is reversibly configurable (abstract, col 17, lines 2-5,).

17. As per claims 17 and 36, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the structurable hardware unit is configurable based on data representing a desired configuration, and the data are stored in memory devices insertible into a memory or I/O area which is addressable by said intelligent core (fig 1-8, abstract, col 4, lines 1-61).

18. As per claims 18 and 37, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses a configuration of structurable hardware unit is enabled only at predetermined times (fig 1-8, abstract, col 4, lines 1-61).

19. As per claims 19 and 38, claims are rejected for the same reasons as claim 1, above. In addition, Moore discloses the program-controlled configuration of structurable hardware unit is enabled at any time (fig 1-8, abstract, col 4, lines 1-61).

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20. Claims 8, 9, 12, 27, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (6,598,148) (hereinafter Moore) in view of Freitag et al. (6,237,054) (hereinafter Freitag) as applied to claims 1 and 20 above, and further in view of Takahashi et al. (5,825,878) (hereinafter Takahashi).

21. As per claims 8 and 27, Moore discloses the clock generation unit is formed at least in part by a device selected from the group consisting of a DNF logic configuration, an array, a multiplexer-based logic variant, and a structurable logic configuration (fig 4 and 12, col 29, lines 30-50, col 12, lines 19-40). Moore and Freitag are silent about NAND. However, Takahashi discloses NAND (fig 6, col 10, lines 36-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Takahashi with Moore and Freitag. The Motivation would have been to provide a high performance microprocessor that can be directly connected to memory controller.

22. As per claims 9 and 28, the claim is rejected for same reasons as claim 8 ,above. in addition, Takahashi discloses NAND (fig 6, col 10, lines 36-38).

23. As per claims 12 and 31, the claim is rejected for same reasons as claim 8, above. In addition, Takahashi discloses one of sub-blocks is

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configured as a state machine for central sequence control (fig 4, col 6, lines 52-55).

### ***Response to Arguments***

24. Applicant's arguments filed 12/15/2005 have been fully considered but they are not persuasive, therefore rejections to claims 1-38 is maintained.

25. In response to applicant's Affidavit 1.131 submitted on 12/15/2005 examiner finds the following:

Reduction to Practice:

Applicant attempts to establish prior invention by showing RTP of the invention prior to the September 14, 1998, the effective filing date of Freitag. What must be shown to have been reduced to practice is the CLAIMED invention.

In paragraph 2-5 of the affidavit applicant refers to a draft White Paper written prior to the critical date which applicant alleges amounts to a reduction to practice of the invention. In particular paragraph 3 states: "Enclosed herewith, as corroborating evidence, area a letter dated January 22, 1998 signed by the inventor Mr. Siemers with an attachment in the form

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of an invention disclosure entitled "Universal configurable blocks" a novel microarchitecture for field programmable logic device (FPL)" which was submitted initially to Siemens AG and subsequently to the patent firm of Janning & Repkow, which substantiate that the undersigned inventor invented and "reduced to practice" the claimed invention of the instant patent application at least one day prior to September 14, 1998"

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred."). See MPEP 715.07.

Applicant has not explained how the exhibit supports the claimed invention. Therefore applicant has not made the necessary showing.

Furthermore, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose.

Applicant is relying on an Invention disclosure document to show "Reduction to Practice". At best, this document may only be able to establish conception.

A written description does not constitute an actual reduction to practice. Furthermore, only the filing of a US patent application which complies with the disclosure requirement of 35 USC § 112 constitutes a constructive reduction to practice. A written description, no matter how complete, does not qualify as an actual reduction to practice.

Accordingly, applicant has not established prior invention. The rejection is maintained.

### ***Conclusion***

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action

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and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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